

Article - Criminal Law

[\[Previous\]](#)[\[Next\]](#)

§8–407.

(a) This section applies to a written contract or written lease for a leased or rented good or thing of value whether or not the contract or lease contains an option to purchase the good or thing of value if the lease:

- (1) does not exceed a period of 6 months; and
- (2) is for a good or thing with a value of \$1,500 or more.

(b) A person may not fraudulently convert to the person's own use a good or thing of value received under a written contract or written lease entered into for the purpose of renting or leasing things for valuable consideration.

(c) The failure to return the good or thing of value to the possession of, or account for the good or thing of value with, the person who delivered the good or thing of value at the time or in the manner described in the written contract or written lease is prima facie evidence of intent to fraudulently convert the good or thing of value.

(d) (1) A person may not be prosecuted under this section if within 10 days after a written demand for the return of the good or thing of value is mailed by certified United States mail, return receipt requested, to the person who received the good or thing of value at the last address known to the person who delivered the good or thing of value, the person returns the good or thing of value to the possession of, or accounts for the good or thing of value with, the person who delivered the good or thing of value.

(2) A prosecution may not be started until 10 days after a written demand described in paragraph (1) of this subsection is mailed.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding \$1,000 or both.

(f) A person who violates this section shall restore the good or thing of value converted to the person's own use or pay the full value to the owner or the person who delivered the good or thing of value.

(g) (1) A prosecution under this section does not preclude prosecution for theft under § 7–104 of this article.

(2) If a person is convicted under § 7–104 of this article and this section for the same act or transaction, the conviction under this section shall merge for sentencing purposes into the conviction under § 7–104 of this article.

[\[Previous\]](#)[\[Next\]](#)